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# HARVARD LAW REVIEW.

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THE series of articles by Professor Langdell on the subject of Equity Jurisdiction will be concluded in the March number.

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A CHANGE has been made in the course on Equity Jurisdiction. It has been the custom to take up Contracts and Torts in alternate years, and, according to this arrangement, the subject for this year would naturally have been Torts. On account of some misunderstanding, however, on the part of the class, Professor Langdell has consented to take up Contracts. Next year Torts will be considered.

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A CASE<sup>1</sup> has recently been decided in the Supreme Court of Errors, of the State of Connecticut, which derives special interest from the fact that it is the only one in which the point involved has been squarely decided. Plaintiff and defendant were in 1802 adjoining owners in land which in the year 1700 had formed part of one of two channels, in which the Connecticut flowed at that time. By another change in the bed of the river the adjoining portions of their lands became again submerged, after which the river gradually receded from plaintiff's land until it passed the original boundary. The Court *held*, that by the submersion the original lines ceased to exist, and plaintiff became a riparian owner, and that the river having once become the boundary line would always remain so, notwithstanding the original line became subsequently exposed by still another change in the bed of the river. "If, after washing away the intervening lot, it should encroach upon the remoter lot, and should then begin to change its movements in the other direction, gradually restoring what it had taken from the intervening lot, the whole, by the law of accretion, would belong to the remoter, but now approximate, lot. Having become riparian it has all riparian rights."

This view was held by Professor Gray, of the School, before the point had been directly adjudicated.

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<sup>1</sup> Welles v. Bailey, 10 Atlantic Rep. 565 (5 Oct. 1887.)

PHOTOGRAPHY is beginning to play an important part in determining what actually occurred at the time when the question in dispute arose. Thus, much testimony which is often open to the objection of being inaccurate is dispensed with, and much trouble and expense are saved from the fact that the jury need not visit the scene of the *res gesta*. At the recent railroad accident at Hexthorpe photography formed an important element in the examination. Before a piece of timber of the wreck could be removed, every feature of it had been accurately taken by means of a camera. The French officers and their friends who were shot at by the Germans the other day, upon the ground that they were mistaken for poachers, have been photographed in the dress they wore on the day of the event, to show that no such mistake could have occurred. It is even said that the National League in Ireland intends to call in the aid of instantaneous photography to protect itself against the misrepresentations of the Government. It has been suggested that there should be at every proclaimed meeting a skilful operator with a snap camera, who could follow every incident of the meeting and determine who were the instigators of the disturbances. We venture to predict that, though this latter plan would doubtless prove unsuccessful, there are numerous cases in which photography will be resorted to in the future where to-day witnesses are called in to testify.

SIR HENRY JAMES writes an interesting letter to the London "Times" on an alleged violation of the Corrupt Practices Act<sup>1</sup> of 1883. This act provided, among other things, that "any person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly, gives or provides or pays, wholly or in part, the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election shall be guilty of treating." The facts of the case were these: The promoters of a political meeting had issued invitations to a free lunch, and had provided railway passes for those who attended the meeting. It does not appear that this meeting was held to support the election of any particular person, but a resolution was adopted, at the end of the meeting, pledging those present in general terms to support the Liberal cause. Sir Henry James says: "No one can doubt that this providing of food and drink free of cost at a political meeting and payment of money for railway expenses are a gross violation of the spirit of the Corrupt Practices Act. . . . It is comparatively immaterial at what stage of the political contest such practices and influences are exercised. The corruption which causes a man to profess a political faith is as injurious as that which induces him to fulfil it by recording his vote."

ON the subject of primogeniture in England the following extract from a recent number of the New York "Daily Law Register" is interesting:—

"The common-law rule still exists, but a bill abolishing it by making

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<sup>1</sup> L. R. 19 Stat. 242; 46 & 47 Vict. c. 51.

the devolution of real property in case of intestacy conform to that of personal property, thus distributing the realty among the children, share and share alike, passed the House of Lords at its last session.

"The main object of this bill was to establish compulsory registration of title; and the clause abolishing primogeniture was incidental to this main object. The bill was introduced in the House of Lords by the Lord Chancellor on the 1st of April. It proposed, — 1, in respect to existing estates tail, that wherever a person of full age had power, without consent of any one else, to enlarge his estate tail by deed duly enrolled, then the Court shall do it for him; 2, that estates tail should not be created in future; and, 3, that the statute known as Westminster 2d be repealed. And it made the devolution of real to be the same as personal property. The bill passed the second reading, April, 1887. On July 7 it passed by a majority of 11.

"It failed to pass in the House of Commons, consideration being prevented by the engrossing subjects connected with the state of Ireland. The general expectation in England, however, is that it will be reintroduced and finally adopted, and that it is not likely that any amendments which may be made will impair the proposed abolition of primogeniture."

The leading speakers in favor of primogeniture were the Earl of Feversham and Lord Abinger. The Marquis of Salisbury said that he would be exceedingly sorry to see the practice of devolving the land on the eldest son discontinued. He believed that the importance of the clause, abolishing primogeniture, was enormously exaggerated, and that it would not in practice alter the devolution of land, because owners could in the future do by will what the law of primogeniture now did. On the division the vote stood 66 to 55 against an amendment, introduced by the Earl of Feversham, to strike out the clause relating to primogeniture.

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ON this subject of entail the position of Mr. Gladstone is significant. In a speech, delivered Oct. 19, at the recent Congress of the English Liberal Federation, one of the largest meetings ever held by the Federation, Mr. Gladstone declared himself squarely in favor of abolishing the system of landed entail. In his plan for reducing the accumulated legislative arrears he gave this question of entail as the second of the great questions which he considered, after the disposal of the Irish difficulty, "to stand in the first rank of legislative urgency, and to demand the chief and principal application of the mind of the country." His language was as follows: "I think no Liberal will, for a moment, doubt that the time has come when we ought to sweep away, I may say, to sweep away bodily, what we now understand by the system of landed entail. We want to have free trade in land. Bills of transfer have been proposed with respect to which the best legal authorities have taught us that, whether their intention be good or bad, they never could attain their purpose until entail is swept away; and that freedom of trade in land is to be recommended upon economical, upon moral, and upon social grounds, and because we have begun to recognize the extraordinary—I would almost say—necessity of our affording to our people at large a freer access to the uses of the land."